



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Docket P1085R

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TECH CENTER 1600/2300

In re Application of Vanessa Hsei et al. Serial No.: 09/234,182 Filed: 20 January 1999 For: ANTIBODY FRAGMENT- POLYMER CONJUGATES AND HUMANIZED ANTI-IL-8 MONOCLONAL ANTIBODIES	Group Art Unit: 1644 Examiner: M. DiBrino  CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on December 2, 2000  Yvonne E. Carter
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RESPONSE

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

In response to the Notice (PTOL-456) mailed November 1, 2000 in connection with the above-identified application. Applicants submit herewith an executed Property Rights Statement from each inventor to the effect that the invention disclosed in this application was not sponsored by the DOE or NASA.

It is not believed that any fee is required. However, if this is not the case, the Commissioner is hereby authorized to charge the required fee to Deposit Account No. 07-0630.

Respectfully submitted,  
GENENTECH, INC.

Date: December 2, 2000

By:   
Richard B. Love  
Reg. No. 34.659  
Telephone: (650) 225-5530



09157



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/234,182	01/20/99	HSEI V	P1085R4-1A

RICHARD B LOVE  
GENENTECH INC  
1 DNA WAY  
SOUTH SAN FRANCISCO CA 94080-4990

PM51/1101

EXAMINER	
DIBRINO, M	
ART UNIT	PAPER NUMBER
1644	//

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DATE MAILED:

11/01/00

**DUE DATE**

**NOV 07 2000**

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A  
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 306-4191.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE  
ATTENTION OF LICENSING AND REVIEW**

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PATENT & TRADEMARK OFFICE

The following is an example of an acceptable property rights statement. Statements of this type are, of course, only suitable for situations in which **NO** Agency funds or other considerations were involved in the making or conception of the invention. While this example is in the form of a declaration, a sworn document is equally acceptable.

I (We) GERARDO ZAPATA

citizens of UNITED STATES OF AMERICA

residing at 1155 Pebble Spring Drive, Berwyn, PA 19312

declare:

That I (we) made and conceived the invention described and claimed in patent application:

Serial Number 09/234,182 filed in the United States of America on January 20, 1999  
titled ANTIBODY FRAGMENT-POLYMER CONJUGATES AND HUMANIZED ANTI-IL-8 MONOCLONAL ANTIBODIES

(Check and complete either I or II below)

(Check III and/or IV below as appropriate)

☒ I. (For Inventors Employed by an Organization) That I (we) made and conceived this invention while employed by GENENTECH, INC.. That the invention is related to the work I am (we are) employed to perform and was made within the scope of my (our) employment duties; That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of GENENTECH, INC.. Other relevant facts are (name of employer)

That to the best of my (our) knowledge and belief (and/or) based upon information provided by RICHARD B. LOVE of GENENTECH, INC.:

—OR—

☐ II. (For Self-Employed Inventors) That I (we) made and conceived this invention on my (our) own time using only my (our) own facilities, equipment, materials, funds, information and services. Other relevant facts are \_\_\_\_\_

That to the best of my (our) knowledge and belief:

☒ III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

—AND/OR—

☒ IV. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

The undersigned inventor(s) declare further that all statements made herein of his or her (their) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's Signature: Gerardo Zapata

Post Office Address: 1155 Pebble Spring Drive, Berwyn, PA 19312

Date: 11/14/2000

Inventor's Signature: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Date: \_\_\_\_\_

OFFICE  
DEC 12 2000  
PATENT & TRADEMARK OFFICE

The following is an example of an acceptable property rights statement. Statements of this type are, of course, only suitable for situations in which **NO** Agency funds or other considerations were involved in the making or conception of the invention. While this example is in the form of a declaration, a sworn document is equally acceptable.

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I (We) IPHIGENIA KOUMENIS  
citizens of UNITED STATES OF AMERICA  
residing at 3421 York Road, Winston-Salem, North Carolina 24107

DEC 18 2000

declare:

That I (we) made and conceived the invention described and claimed in patent application:

TECH CENTER 1500/2900

Serial Number 09/234,182 filed in the United States of America on January 20, 1999  
titled ANTIBODY FRAGMENT-POLYMER CONJUGATES AND HUMANIZED ANTI-IL-8 MONOCLONAL ANTIBODIES

(Check and complete either I or II below)

(Check III and/or IV below as appropriate)

☒ I. (For Inventors Employed by an Organization) That I (we) made and conceived this invention while employed by GENENTECH, INC.. That the invention is related to the work I am (we are) employed to perform and was made within the scope of my (our) employment duties; That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of GENENTECH, INC. Other relevant facts are \_\_\_\_\_  
(name of employer)

That to the best of my (our) knowledge and belief (and/or) based upon information provided by RICHARD B. LOVE of GENENTECH, INC.:

—OR—

☐ II. (For Self-Employed Inventors) That I (we) made and conceived this invention on my (our) own time using only my (our) own facilities, equipment, materials, funds, information and services. Other relevant facts are \_\_\_\_\_

That to the best of my (our) knowledge and belief:

☒ III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

—AND/OR—

☒ IV. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

The undersigned inventor(s) declare further that all statements made herein of his or her (their) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's Signature: [Signature]

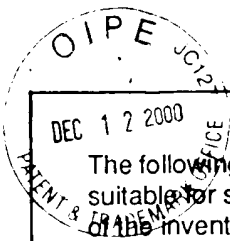
Post Office Address: 3421 York Road, Winston-Salem, North Carolina 24107 27104 US

Date: 11/08/00 [Signature]

Inventor's Signature: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Date: \_\_\_\_\_



The following is an example of an acceptable property rights statement. Statements of this type are, of course, only suitable for situations in which **NO** Agency funds or other considerations were involved in the making or conception of the invention. While this example is in the form of a declaration, a sworn document is equally acceptable.

I (We) STEVEN LEONG  
citizens of UNITED STATES OF AMERICA  
residing at 1914 Eldorado Ave. Berkeley, California 94707  
declare:

That I (we) made and conceived the invention described and claimed in patent application:

Serial Number 09/234,182 filed in the United States of America on January 20, 1999  
titled ANTIBODY FRAGMENT-POLYMER CONJUGATES AND HUMANIZED ANTI-IL-8 MONOCLONAL ANTIBODIES

(Check and complete either I or II below)

(Check III and/or IV below as appropriate)

☒ I. (For Inventors Employed by an Organization) That I (we) made and conceived this invention while employed by GENENTECH, INC.. That the invention is related to the work I am (we are) employed to perform and was made within the scope of my (our) employment duties; That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of GENENTECH, INC.. Other relevant facts are \_\_\_\_\_  
(name of employer)

That to the best of my (our) knowledge and belief:

☒ III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

—AND/OR—

That to the best of my (our) knowledge and belief (and/or) based upon information provided by RICHARD B. LOVE of GENENTECH, INC.:

☒ IV. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

—OR—

☐ II. (For Self-Employed Inventors) That I (we) made and conceived this invention on my (our) own time using only my (our) own facilities, equipment, materials, funds, information and services. Other relevant facts are \_\_\_\_\_

The undersigned inventor(s) declare further that all statements made herein of his or her (their) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's Signature: Steven R. Leong

Post Office Address: 1914 Eldorado Ave, Berkeley, CA 94707

Date: Nov 9, 2000

Inventor's Signature: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Date: \_\_\_\_\_

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The following is an example of an acceptable property rights statement. Statements of this type are, of course, only suitable for situations in which **NO** Agency funds or other considerations were involved in the making or conception of the invention. While this example is in the form of a declaration, a sworn document is equally acceptable.

I (We) LEONARD G. PRESTA  
citizens of UNITED STATES OF AMERICA  
residing at 1900 Gough Street, Apt. #206, San Francisco, California 94109  
declare:

That I (we) made and conceived the invention described and claimed in patent application:

Serial Number 09/234,182 filed in the United States of America on January 20, 1999  
titled ANTIBODY FRAGMENT-POLYMER CONJUGATES AND HUMANIZED ANTI-IL-8 MONOCLONAL ANTIBODIES

(Check and complete either I or II below)

(Check III and/or IV below as appropriate)

☒ I. (For Inventors Employed by an Organization) That I (we) made and conceived this invention while employed by GENENTECH, INC.. That the invention is related to the work I am (we are) employed to perform and was made within the scope of my (our) employment duties; That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of GENENTECH, INC. Other relevant facts are \_\_\_\_\_  
(name of employer)

That to the best of my (our) knowledge and belief (and/or) based upon information provided by RICHARD B. LOVE of GENENTECH, INC.:

—OR—

☐ II. (For Self-Employed Inventors) That I (we) made and conceived this invention on my (our) own time using only my (our) own facilities, equipment, materials, funds, information and services. Other relevant facts are \_\_\_\_\_

That to the best of my (our) knowledge and belief:

☒ III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

—AND/OR—

☒ IV. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

The undersigned inventor(s) declare further that all statements made herein of his or her (their) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's Signature: Leonard G. Presta

Post Office Address: 1900 Gough Street, Apt. #206, San Francisco, CA 94109

Date: Nov 9, 2000

Inventor's Signature: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Date: \_\_\_\_\_

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The following is an example of an acceptable property rights statement. Statements of this type are, of course, only suitable for situations in which **NO** Agency funds or other considerations were involved in the making or conception of the invention. While this example is in the form of a declaration, a sworn document is equally acceptable.

I (We) Vanessa Hsei  
citizens of UNITED STATES OF AMERICA  
residing at 5047 Capistrano Ave. San Jose, CA 95129  
declare:

That I (we) made and conceived the invention described and claimed in patent application:

Serial Number 09/234,182 filed in the United States of America on January 20, 1999  
titled ANTIBODY FRAGMENT-POLYMER CONJUGATES AND HUMANIZED ANTI-IL-8 MONOCLONAL ANTIBODIES

(Check and complete either I or II below)

☒ I. (For Inventors Employed by an Organization) That I (we) made and conceived this invention while employed by GENENTECH, INC.. That the invention is related to the work I am (we are) employed to perform and was made within the scope of my (our) employment duties; That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of GENENTECH, INC.. Other relevant facts are \_\_\_\_\_  
(name of employer)

That to the best of my (our) knowledge and belief (and/or) based upon information provided by RICHARD B. LOVE of GENENTECH, INC:

—OR—

☐ II. (For Self-Employed Inventors) That I (we) made and conceived this invention on my (our) own time using only my (our) own facilities, equipment, materials, funds, information and services. Other relevant facts are \_\_\_\_\_

(Check III and/or IV below as appropriate)

That to the best of my (our) knowledge and belief:

☒ III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

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Inventor's Signature: Vanessa Hsei

Post Office Address: 5047 Capistrano Ave. San Jose, CA 95129

Date: 1/1/99

Inventor's Signature: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Date: \_\_\_\_\_

DEC 12 2000

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I (We) Zahra Shahrokh  
citizens of United States of America  
residing at 24 Sotelo Ave. San Francisco, CA 94116  
declare:

That I (we) made and conceived the invention described and claimed in patent application:

Serial Number 09/234,182 filed in the United States of America on January 20, 1999  
titled ANTIBODY FRAGMENT-POLYMER CONJUGATES AND HUMANIZED ANTI-IL-8 MONOCLONAL ANTIBODIES

(Check and complete either I or II below)

(Check III and/or IV below as appropriate)

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(name of employer)

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☒ III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

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That to the best of my (our) knowledge and belief (and/or) based upon information provided by RICHARD B. LOVE of GENENTECH, INC.:

☒ IV. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

—OR—

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Inventor's Signature: Zahra Shahrokh

Post Office Address: 24 Sotelo Ave. San Francisco, CA 94116

Date: 11/10/00

Inventor's Signature: Zahra Shahrokh

Post Office Address: \_\_\_\_\_

Date: \_\_\_\_\_